S.B.Criminal Misc. Petition No.103/2005
(Jabbar Singh vs. State of Rajasthan & Anr.)

Date of order : 12.7.2006

**HON'BLE MR.H.R.PANWAR,J.**

Mr.Sachin Acharya for Mr. Rajesh Joshi, for the petitioner.
Mr. Ashok Upadhyaya, P.P.
Mr. Kailash Khatri, for non-petitioner.

Heard learned counsel for the parties.

By the instant criminal misc. petition, the petitioner has challenged the order taking cognizance only on the ground that it is time barred. Counsel for contesting non-petitioner also agrees that the FIR was lodged on 18.4.1995 and, thereafter the cognizance was taken somewhere in 1999. In the circumstances, therefore, the order taking cognizance cannot be sustained.

Consequently, the misc. petition is allowed. Order taking cognizance is set aside. Cr.Misc. Application No.235/2006 seeking extension of interim order dt. 4.3.2005 stands disposed of since the petition itself has been decided. Stay petition also stands disposed of.

(H.R.PANWAR),J.

m.asif/-